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Chair: Mr. Pat Kelly

Standing Committee on Access to Information, Privacy and Ethics

Monday, March 28, 2022

• (1100)

[English]

The Chair (Mr. Pat Kelly (Calgary Rocky Ridge, CPC)): I call this meeting to order.

Welcome to meeting number 13 of the House of Commons Standing Committee on Access to Information, Privacy and Ethics.

Today's meeting is taking place in a hybrid format, pursuant to the House order of November 25, 2021. Members are attending in person in the room and remotely using the Zoom application. So that you are aware, the webcast will always show the person speaking rather than the entirety of the committee.

We all know the public health guidelines.

I'd like to remind all participants that no screenshots or photos of your screen are permitted. When speaking, speak slowly and clearly. When you're not speaking, your microphone should be on mute. We don't have witnesses here and I think we all know this stuff, so maybe I'll dispense and move on.

I'm going to begin with committee business. There are several motions out there. Once we dispose of any committee business that arises here, we can move in camera and get to the analysts' draft.

Go ahead, Mr. Kurek. You have the floor.

Mr. Damien Kurek (Battle River—Crowfoot, CPC): Thank you very much, Mr. Chair.

Good morning to everybody. Although not early Ottawa time, certainly for those of us out west, it's a much earlier feeling than it is in the capital.

Mr. Chair, I'd like to move again, as I believe procedure requires, the motion I gave notice on about three and a half weeks ago now, and that I moved close to the conclusion of the meeting this past Thursday. Then, if I could, I'd like to have a moment after moving the motion to make a couple of brief comments.

The motion is as follows:

That, pursuant to Standing Order 108(3)(h), the committee undertake a study into issues of conflict of interest and the Lobbying Act in relation to pandemic spending, provided that: (a) the evidence and documentation received by the committee during both sessions of the 43rd Parliament on the subject be taken into consideration by the committee in the current session; (b) the committee adopt the report entitled "Questions of Conflict of Interest and Lobbying in Relation to Pandemic Spending", originally adopted as the committee's second report in the second session of the 43rd Parliament; (c) dissenting or supplementary opinions be submitted electronically in both official languages to the clerk of the committee within 48 hours of the adoption of this motion; (d) the chair table this report in the House on or before March 31, 2022.

The Chair: Thank you. This is in order.

You said you had some additional comments that you wished to make.

Go ahead and do so now.

Mr. Damien Kurek: Thank you very much, Mr. Chair. I have a couple of very brief comments.

As we are hard at work on this committee, there is work that was done in both sessions of the previous Parliament. I believe it is important to see that work finalized. To be very clear, this report does not call any further witnesses. It does not take up any more of the committee's time, other than that required to pass this motion in an expedited manner, which I hope can be done here today.

This is something that procedurally happens quite often. Many committees go forward and they will retable some of the work that was done in previous Parliaments. In the previous session there was a prorogation, where the study was undertaken under the second session, and an election that took place this past summer. I hear often from constituents and Canadians who want to ensure that this is brought to its full conclusion and is taken seriously by both this committee and this Parliament.

I would simply say, Mr. Chair, that the clerks and the previous committee, of which I was a member—and I subbed in on some of the second session's work—did extraordinary work. Having gone through the previous report, I believe there was a lot of work done to try to address the concerns that were highlighted by witnesses and by members of this committee, from all parties. Again, all parties should be given the opportunity not only to see that the work that was done is acknowledged properly, including the work of the analysts, the clerk and all those involved, but also to ensure that there is an opportunity for dissenting reports.

With this, Mr. Chair, I'm hopeful that we can deal with this in an expedited manner so that we can continue the hard work of the committee that is set out before us.

• (1105)

The Chair: Thank you.

Ms. Khalid, do you wish to weigh in on the motion?

Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.): I just want to seek some clarity, Mr. Chair, with respect to the report that we were supposed to be discussing today. I know that we received it Friday afternoon. Personally, I haven't had a lot of time to look through it and come to my own conclusions about it.

I'm wondering what that timeline looks like with respect to going over the report and providing our amendments.

The Chair: That intervention is not addressing the motion that's on the floor, but I will nevertheless address that.

Yes, I agree that we didn't have very much time. It was a long report, but this was set out in the calendar that the subcommittee adopted. We knew that this Monday and Thursday were going to be the days set aside to debate it. We had some discussion about how much time the analysts needed. We knew this was coming. We knew we were going to get it on Friday, and that we would have to study it over the weekend to be prepared to do it on Monday.

While I agree with you that it's not much time and I understand the pressure this puts on committee members, this was what we agreed to as a committee and the work plan that we adopted, so we're going to carry on with that.

Go ahead, Ms. Khalid.

Ms. Iqra Khalid: I have a follow-up, Mr. Chair.

As per the subcommittee, we were supposed to get the report a bit earlier than Friday, but I'm hoping we can have some fulsome debate around it before we finalize how that report carries on.

The Chair: I agree. I would like to have as much time as we can, but we have another motion that has been moved and has to be disposed of.

You still have the floor. Are you looking to speak to the motion?

Ms. Iqra Khalid: No, I'll cede the floor to my friend, Ms. Hepfner.

The Chair: Go ahead, Ms. Hepfner.

Ms. Lisa Hepfner (Hamilton Mountain, Lib.): We all know that I'm new to committee work. We talked about this at our first-ever committee meeting. I believe I said that I wasn't really comfortable tabling a report from when I wasn't part of the committee, when we went through all of this last time. I think it took place over a couple of years.

My familiarity with this report is covering the committee as a journalist, which I did quite extensively, particularly when the WE Charity was in the hot seat. It was something that was covered extensively by the media, including by me. We watched the testimony day after day. Personally, since then, I haven't heard anything from my constituents wanting to see more from this. I feel that it was covered in depth and that we got a lot of information. It was an important study and it was important to look at, but I don't know why we would get back into it now, when the work has been done.

Maybe we want to see a government response, but we have a hundred and some pages from what this committee already looked at. We're at a different stage in the pandemic now. We're at a stage where we're looking at different measures, and we're looking at how to support things. The work that this committee has been doing

on facial recognition, for example, is really important, and I'd like to get back to that. I think that the WE Charity, after this committee was done with it, was no longer a charity, so that's no longer an issue. The key points that the committee covered were important, but we have that information. From my perspective, as a new member of the committee, this feels like a waste of time. I'm wondering why we're continuing with this.

On the first day, we already decided that we weren't going to bring this back, so I'm a little confused as to why we're still here. I'd really like to continue with the other committee business if we could.

• (1110)

The Chair: Thank you.

Next I have Mr. Fergus.

Hon. Greg Fergus (Hull—Aylmer, Lib.): Thank you, Mr. Chair.

[*Translation*]

Obviously, I am completely opposed to the introduction of this motion in its current form, for several reasons. First of all, we had this report a year ago, almost to the day. I think I'm the only member here who was on the committee last year, when the report was written. Everyone had their say—government members and the other members of the committee. Everyone was satisfied in the end. The report was tabled in the House of Commons by the chair of the committee at the time.

As my colleague just said, the WE Charity no longer exists. This issue is obsolete. I am disappointed that anyone would try to play political games in the middle of an important discussion and testimony on facial recognition, when everyone here has recognized the importance of this issue. It's really unfortunate.

Mr. Chair, we had a private discussion, and I'm not convinced that this motion is in order, since an almost identical motion was moved a few months ago. Back then, we debated the motion, and it was defeated. Yet now, there's an attempt to reopen the issue by making a few superficial tweaks to a motion to make it admissible. We know that's what's going on here, so why debate this issue all over again?

I hope that with a little reflection, we can come up with something that we can all support, with a more reasonable objective. We'll have to see what everyone thinks, of course. All I want to say is that there are other ways of going about this. I hope that we won't spend too long on this and that we won't waste the committee's time or the House of Commons' time.

• (1115)

[*English*]

Mr. Parm Bains (Steveston—Richmond East, Lib.): I have a point of order, Mr. Chair. I don't have translation.

The Chair: That is, indeed, a point of order. We have translation on the floor. Mr. Green has translation.

Are you having a translation problem, Mr. Bains, or is it all audio?

Mr. Parm Bains: It's cutting in and out.

The Chair: It's not specific to the French to English translation. It's simply your audio. Can you hear me speaking in English?

Mr. Parm Bains: Yes, I can hear you speaking in English.

[*Translation*]

The Chair: Can you hear me now, when I speak in French?

[*English*]

Mr. Parm Bains: Yes.

[*Translation*]

The Chair: Thank you.

Mr. Fergus, you can continue.

Hon. Greg Fergus: I'll be brief. I will walk the talk. I don't want to waste the committee's time or the House of Commons' time. I hope all the members have heard me. And I hope that we'll be able to move on to the committee's important work on the study on facial recognition.

Thank you very much, Mr. Chair.

[*English*]

The Chair: Thank you, Mr. Fergus.

I have a couple more speakers.

Ms. Khalid, you have the floor.

Ms. Iqra Khalid: Thank you very much, Mr. Chair.

I have reviewed this report and the study in the 43rd Parliament and have just a few numbers. There were 116 pages in the report, which I read for the first time over the weekend because I wasn't a member of this committee in the last Parliament. Two supplementary or dissenting reports were added. Thirty-four witnesses appeared. There were 25 two-hour meetings, so over 50 hours of study from July 30, 2020, until the report was presented in the House on June 10, 2021, which was 315 days, almost 10 and a half months. There were 23 recommendations.

Unfortunately, there was harassment and a large number of death threats of the witnesses who appeared at this committee.

Mr. Chair, I don't want us to continue this conversation any longer. We have put forward those recommendations, and ultimately, what we're really seeking here is a response from the government with respect to the study that the previous committee members spent so much time going over and on which witnesses spent so much time giving their expertise and then also were harassed by the public.

I would like to propose an amendment to this motion, if that is okay with you, Mr. Chair. I'm not sure how this process would work, but I will read it out in total. I propose that, pursuant to Standing Order 109, the Standing Committee on Access to Information, Privacy and Ethics request: (a) that the government table a

comprehensive response to the report entitled "Questions of Conflict of Interest and Lobbying in Relation to Pandemic Spending", originally adopted as the committee's second report in the second session of the 43rd Parliament; and (b) that the response to the report be tabled no later than June 17, 2022.

Procedurally I could read out what would be deleted and what would be added, if that's okay.

• (1120)

The Chair: Go ahead, Ms. Khalid.

Ms. Iqra Khalid: Thank you, Chair.

In the first line, it would replace "Standing Order 108(3)(h)" with "Standing Order 109".

Starting after the first comma up to the colon after Standing Order 109, the wording "the committee undertake a study into issues of conflict of interest and the Lobbying Act in relation to pandemic spending provided that" would be replaced with "the Standing Committee on Access to Information, Privacy and Ethics request". The wording in paragraph (a) would be replaced with "that the government table a comprehensive response to the report entitled 'Questions of Conflict of Interest and Lobbying in Relation to Pandemic Spending', originally adopted as the committee's second report in the second session of the 43rd Parliament", and then the wording in paragraph (b) would be replaced with "that the response to the report be tabled no later than June 17, 2022", and then paragraphs (c) and (d) would be deleted.

The Chair: Thank you, Ms. Khalid.

I'm conferring with the clerk about the drafting mechanics.

I think the way to do this, rather than to edit the motion above to capture your intention, is that you can simply add the part you read, "pursuant to Standing Order 109", to what exists. I'm told that it's going to be easier if you do that as a parts (e) and (f) to the existing (a), (b), (c), (d). You'll have (a), (b), (c), (d), and (e) pursuant to Standing Order 109, requesting a government response—as you read—and then (f) would be requesting a response by June 17.

Ms. Iqra Khalid: I'm sorry, Mr. Chair. I don't think that captures the intent of what I'm trying to do.

Maybe it would be best to suspend for a couple of minutes, while you figure this out between yourself and the clerk?

The Chair: [*Inaudible—Editor*]

Mr. Damien Kurek: Mr. Chair, Matthew said he couldn't hear what you said, so you probably want to repeat the last part.

The Chair: Before my mike was activated, I said that while I may do just that, Ms. Khalid, and suspend in a moment, I saw some frantic waves from Mr. Fergus and Mr. Bezan to get in quickly.

If you have a quick comment before I suspend to work this out or if you have something you want to get on the record before I suspend, go ahead.

Hon. Greg Fergus: Mr. Chair, if the intention was to suspend to try to figure out what the right thing to do is, then I will suspend. I had a point of order.

The Chair: Go ahead, Mr. Bezan.

Mr. James Bezan (Selkirk—Interlake—Eastman, CPC): My question is whether changing the standing order from 108 to 109 changes the intent of the motion. I don't mind changing it and Standing Order 109 being added in, as you suggested, at the end of the motion. It still accomplishes what Ms. Khalid wants to do, which is require a report. It puts a timeline on when the report and the response from the government can happen.

• (1125)

The Chair: Okay. I'm going to suspend to confer with the clerk and I'll resume in public as soon as possible.

The meeting is suspended.

• (1125)

(Pause)

• (1145)

The Chair: Our meeting has resumed.

Ms. Khalid, go ahead.

Ms. Iqra Khalid: Thank you, Chair.

Before we suspended, I had proposed an amendment to the main motion. If it's okay with the committee, I would like to withdraw that amendment at this time.

The Chair: Thank you.

It does require unanimous consent of the committee to withdraw. Since we're in a hybrid meeting, I will do this in reverse and ask if anybody is opposed to Ms. Khalid withdrawing her amendment.

I have Mr. Villemure.

Mr. René Villemure (Trois-Rivières, BQ): I couldn't hear what Ms. Khalid said. My translation was not working.

The Chair: Ms. Khalid is asking for unanimous consent to withdraw her amendment. I am asking if there is anybody who objects to the withdrawal of Ms. Khalid's amendment. I see none.

(Amendment withdrawn)

The Chair: We are back to debate on the main motion.

I had Monsieur Villemure as the next speaker on my list.

You have the floor, Monsieur Villemure.

[Translation]

Mr. René Villemure: Mr. Chair, after our last meeting I sent a notice of motion to the members of the committee.

[English]

The Chair: That's not in order at this time. You can't move another motion until this motion has been adopted—

Some hon. members: Oh, oh!

The Chair: I'm sorry. I meant “disposed of”.

Mr. René Villemure: I'm sorry for being too new here.

The Chair: That's okay.

[Translation]

No problem.

[English]

Did we have any other interventions?

Okay. If there are no other speakers, we will go to the vote on the main motion. I would ask the clerk to go ahead and call the vote.

Does anybody object to the adoption of Mr. Kurek's motion?

Yes, there are objections. Shall we go to a recorded vote or have it adopted on division?

• (1150)

Ms. Iqra Khalid: I'd like a recorded vote, please.

The Chair: We will have a recorded vote.

Go ahead, Madam Clerk.

The Clerk of the Committee (Ms. Nancy Vohl): Mr. Chair, the result is five yeas and five nays.

The Chair: Thank you, Madam Clerk. I will vote in favour of the motion.

(Motion agreed to: yeas 6; nays 5)

The Chair: I am going to go to Mr. Villemure next. He has a motion that he wishes to move. He tried to move his motion before, so I will go to him.

[Translation]

Mr. René Villemure: The notice of motion was sent to committee members last week. I think everyone got it. I'll read the motion, which is available in English and French in the digital binder.

That, in relation to the facial recognition study, a parliamentary delegation of the Committee visit the Palantir Technologies' facilities in Denver, Colorado and Palo Alto, California, and that the necessary staff accompany the Committee; That the Clerk of the Committee prepare a preliminary draft budget.

[English]

The Chair: Thank you.

The motion is in order. Is there debate on the motion?

You still have the floor if you wish to continue debate, Monsieur Villemure. Otherwise, I will go to the speakers list, if others wish to speak to the motion.

Go ahead.

[*Translation*]

Mr. René Villemure: Mr. Chair, last week, some of our witnesses, like Ms. Brandusescu, discussed how dangerous Palantir is. In my former life, I came into contact with representatives of Palantir. It's a military company serving the public. In the past it has been linked to abusive practices in civilian data use.

I think it would be good for the committee to learn a lot more about that, considering that Palantir hasn't responded to our invitations to be heard. So I think we should find out more about this company, even though I know very well that they will not disclose all the information to us. I think the committee has a duty to know more about Palantir because this company is still on the Government of Canada's list of suppliers.

[*English*]

The Chair: Is there any other debate before we go to the vote on Monsieur Villemure's motion?

I see none. We will proceed to the vote. Again, I'll do this in reverse since we're hybrid.

Does anyone object to Monsieur Villemure's motion?

(Motion agreed to)

The Chair: Is there any other committee business? If not, we will change over to in camera and go ahead with commencing debate on the....

Go ahead, Mr. Green.

Mr. Matthew Green (Hamilton Centre, NDP): Mr. Chair, in the previous round of questioning I had paused my earphones and had tried to ask a question to read the body of the motion.

I think there has been some miscommunication in terms of what the final motion was and whether or not we had considered the amendments or the main.

• (1155)

The Chair: Are you referring to the motion we just adopted from Mr. Villemure or the previous one?

Mr. Matthew Green: It was the one prior to that.

In the same vein as Mr. Bains, as I was trying to chime back in, I had pressed.... This is a new Jabra headset that has a mute on the top.

The Chair: Ms. Khalid withdrew her amendments. We voted on the main motion, which was adopted.

Mr. Matthew Green: We didn't vote on the "(e)" and "(f)" options of that?

The Chair: No, we did not. There were no amendments. She withdrew her amendments. We voted on the original motion.

Mr. Matthew Green: That wasn't exactly clear from where I was.

The Chair: I tried to be as clear as I could. There was unanimous consent for her to withdraw her amendments.

Mr. Matthew Green: I want clarity from the clerk in terms of the motion that was passed, Mr. Chair, just so I'm clear. I don't think it had been read out in its entirety.

It is to not have a study at this committee. Is that correct?

The Chair: That's correct.

There is a study for the purpose of being able to report and include the study of the previous Parliament. That's a necessary component of being able to report back the existing study. The motion does not call—

Mr. Matthew Green: Just so I'm clear, how long does the government have to make a reply? Is it 90 days?

The Clerk: It's 120 days.

The Chair: We didn't amend the motion to include the 109. Ordinarily, if we had made that amendment, then they would have been required to table a response within 190 days. Of course, they can table a response at any time under the rubric of Routine Proceedings, but the motion as adopted would not force—

Mr. Matthew Green: Mr. Chair, I'm just trying to figure it out for my own clarity. I'm very interested in these documents coming back, but I am unclear about when.

Is there a deadline for these documents to come back, yes or no?

The Chair: If I understand the motion correctly, since the motion did not contain a specific request—that wasn't included in the motion—it would be 120 days, which is ordinarily when a response would be required if one were requested.

Mr. Matthew Green: In theory, we're looking at the fall.

The Chair: Yes, I would say so at this point. We're in the end of March.

Mr. Matthew Green: Okay.

The Chair: Mr. Green, I'm going to suggest that if there is ever a doubt and you can't hear the proceedings—

Hon. Greg Fergus: I have a point of order.

The Chair: —please jump in. Now we're conducting a de facto discussion on what we've already adopted and we have other business that we hope to get done.

Ms. Iqra Khalid: I have a point of order, Mr. Chair.

The Chair: Before I go on, I want to leave the floor to Mr. Green to wrap up, if he has anything further to add.

Mr. Matthew Green: I just want to add that there was some confusion and some technical difficulty in being able to fully comprehend, from the hybrid side, what had transpired.

I was remiss if we had an opportunity to have these documents provided in an earlier timeline. It seems obvious to me that we would have done that.

I was unclear that the withdrawal had happened, but I'm happy to hear the other comments.

The Chair: That is noted.

Hon. Greg Fergus: I have a point of order, Mr. Chair.

The Chair: Again, the suggestion is to always, at any time that there is technical difficulty, please raise it.

I have Mr. Fergus first, but I have Ms. Khalid as well.

Go ahead, Mr. Fergus.

Hon. Greg Fergus: Mr. Chair, in listening to my colleague, Mr. Green, it's making me think that there was some confusion on this.

On a point of order, I'd like to suggest that the terms of the motion be clearly spelled out and that the vote be retaken. Maybe I'm wrong, but I'm gathering from Mr. Green that what he thought he was voting on wasn't exactly what he had expressed himself on, due to some of the technical difficulties he had.

I'm just wondering if there is a way, because it seems that he would prefer—

• (1200)

The Chair: I didn't hear an intent on Mr. Green's part to reverse his vote, but in any event, we can't—

Hon. Greg Fergus: It seems that if there is a—

The Chair: It would require somebody to ask for a redo, and it would require unanimous consent to have one.

Unless that is your intent right now, I'm going to move on to Ms. Khalid. I see that Mr. Bezan also has his hand up.

Are you okay, Greg? Can I go on to Ms. Khalid?

Hon. Greg Fergus: I would actually like to seek the will of this room, whether there would be an intent to have unanimous consent and I would like a roll call on that.

The Chair: Mr. Fergus has asked for unanimous consent to redo the vote.

Some hon. members: No.

The Chair: There are objections, so we won't redo the vote.

Ms. Khalid.

Ms. Iqra Khalid: Thank you, Mr. Chair.

I just want to express that, if any member of this committee has technical issues that prevent them from understanding what exactly it is we're voting on, then I don't believe the vote is valid. I really think we should be allowing each and every member of this committee the opportunity to fully comprehend what exactly is happening in the room.

I understand that with this hybrid format sometimes we need to spend extra time to do it. I think it's not fair to Mr. Green that he didn't know exactly what it was he was voting on. I would request that Mr. Green maybe speak on this, to see if we can find a way that every single member in this room has the opportunity to fully understand what it is we're voting on. Our votes do matter.

I would appreciate that from you, Mr. Chair.

The Chair: Ms. Khalid, your point is well taken around the challenges that we have, particularly around voting in a hybrid meeting.

However, we went back and forth many times and were very clear that the amendments were off. The clerk was clear, in calling the vote, that we were calling the vote on the main motion and there were no amendments. I think it was as clear as we could be under the circumstances.

Mr. Bezan, you have the floor.

Mr. James Bezan: Mr. Chair, I appreciate the fact that you're trying to be accommodating, but the motion was passed and the vote was recorded.

If some members wish to put a timeline on that report, even though the motion has passed, I think it's in order to move a new motion as it relates to that, if that was something members wanted to do. If we wanted to put a Standing Order 109 condition on the report after it's tabled, we could do that. I'm not sure about the process, but it's—

The Chair: May I just stop you for a moment, Mr. Bezan.

Although in English, I have floor audio on my earpiece, which cut out while you were speaking. I don't know if that affected interpretation or the ability of other members to hear.

Is everybody okay? I want to make sure we don't have a technical issue here.

Mr. James Bezan: Just to be clear, I'd ask for your advice on this, and from the table, as to whether or not it's in order to provide a timeline on a motion that was just adopted by the committee on reporting to the House. It wouldn't be an amendment to that motion, because that motion was carried unamended. This would be a secondary motion or a supplemental motion to that.

The Chair: New motions are always welcome during committee business.

Mr. Green could move a motion to add that he wishes a government response, and he could put a timeline on it that would be before the end of June, if that's what Mr. Green was hoping for. He is certainly able to move that in a new motion, if he wishes. That's a good point.

Ms. Khalid, please go ahead.

• (1205)

Ms. Iqra Khalid: Thank you, Mr. Chair.

I want to highlight that, just as you had technical challenges understanding what exactly was going on in the committee without the interpretation and everything else, I hope that you can understand and appreciate why it's so important that, when we're voting on something, there's clarity around the votes.

The Chair: Indeed, Ms. Khalid, and that's why I interrupted Mr. Bezan at the first sign of trouble.

Ms. Iqra Khalid: Thank you.

What exactly are we debating right now?

The Chair: We're not debating. There were points of order raised around the vote, which have all been addressed. A suggestion came from Mr. Bezan about the issue raised by Mr. Green.

I'm ready to move in camera and discuss the report, if there are no other members seeking the floor for motions or debate on anything before the committee.

That being the case, the meeting is suspended to go in camera.

[Proceedings continue in camera]

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